

FILED

SEP 11 2009

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY DEPUTY CLERK

LYNDA POWELL

vs.

DANIEL R. SHERROD

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**CIVIL ACTION NO. 6:09-cv-
00161-WSS**

DEFENDANT'S ORIGINAL ANSWER

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, Daniel R. Sherrod, Defendant, and files this his Defendant's Original Answer to Plaintiff's Original Complaint, and for same would respectfully show unto the Court the following:

1. Plaintiff's Original Complaint fails to state a claim upon which relief may be granted.
2. Defendant denies that this Court has jurisdiction as alleged in paragraph 1 of the complaint, but admits that if jurisdiction did exist, venue would be proper.
3. Defendant admits the allegations of paragraph 4, admits that Plaintiff and her husband were visiting their property in Limestone County on the date in question, admits that water was being piped to trailer homes and that Defendant was notified, all as alleged in paragraph 5, admits that Plaintiff was armed with a handgun when approaching Defendant as alleged in paragraph 6, admits that

Defendant reported to the Limestone County Sheriff's office that Plaintiff had handgun, pointed it at him and threatened him, that Plaintiff was indicted by the grand jury, and was acquitted of the criminal charge against her in a jury trial as alleged in paragraph 7, and admits that Defendant was called to testify before the grand jury as alleged in paragraph 9.

4. Defendant is without sufficient knowledge to admit or deny the allegations of paragraph 3, that Mr. Powell had locked the well house or that Mr. Powell informed residents of the trailer houses that he was going to disconnect the water as alleged in paragraph 5, and the last three sentences of paragraph 6, and therefore denies same pending discovery.

5. Defendant denies all the remaining factual allegations of the complaint, and that Plaintiff is entitled to any relief requested in the complaint.

6. Defendant alleges affirmatively that he is entitled to immunity for his testimony before the grand jury and at trial.

Wherefore, Defendant prays that this action be dismissed, that Plaintiff take nothing, that Defendant recover his costs incurred, and for such other and further relief, at law and in equity, to which Defendant may show himself justly entitled.

Respectfully submitted,

MICHAEL G. CARROLL, P.C.

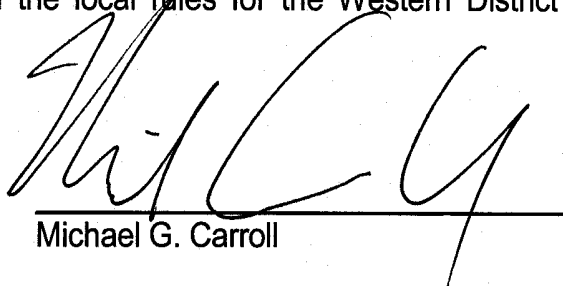
By: 

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing instrument was served upon all counsel of record in accordance with the Federal Rules of Civil Procedure and the local rules for the Western District of Texas on September 10th, 2009.



Michael G. Carroll